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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,416	03/01/2004	Michael Hormann	298-236	5395
28249	7590	05/13/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			PRESTON, ERIK D	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EK

Office Action Summary

Application No.

10/791,416

Applicant(s)

HORMANN, MICHAEL

Examiner

Erik D. Preston

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-20 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 03/01/2004.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION***Claim Objections***

Claims 1 & 9-20 objected to because of the following informalities: The use of the words "preferred" and "preference" in these claims causes them to be indefinite. It is not clear whether the material following these words is also required for the claims to be met. Appropriate correction is required.

Claims 5-8 & 10 are objected to because of the following informalities: In all of these claims the phrase "...the carrying body extension..." lacks antecedent basis. For examination purposes, the above phrase will be interpreted as "...a carrying body extension..." Appropriate correction is required.

Claim 8 is objected to because of the following informalities: In the last line of the claim, the use of the phrase "...and/or the basic carrying member..." causes the claim to be indefinite. For examination purposes the above phrase will be interpreted as "...or the basic carrying member..." Appropriate correction is required.

Claims 9 & 18 are objected to because of the following informalities: In all of these claims the phrase "...the parts..." lacks antecedent basis. For examination purposes, the above phrase will be interpreted as "...parts..." Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

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Kaiser (US 5936842).

With respect to claims 1-10,13-16,18 & 20, Kaiser teaches a garage door drive housing comprising: A shell-shaped basic carrying body (Fig. 1, #12) to which different drive components (Fig. 2, #16,18,22,24 & 26) can be secured (as seen in Figure 1) and a cover hood (Fig. 1, #14) which can be connected to the basic carrying body, wherein a housing extension can (such as a hollow ring that is placed between the carrying body and the cover hood) be connected in an exact fit and detachable manner in order to accommodate additional and/or larger components. Even though the reference does not teach the housing extension, the ability for the carrying body to have an extension connected to it in the following manner does in fact exist. A housing extension could be connected to the basic carrying body it just is not. This claim does not include a positive recitation of the housing expansion in connection with the basic carrying body, thus all of the following dependant claims that deal with the specifics of the housing extension are not positively recited either.

With respect to claims 11,17 & 19, Kaiser in teaches the door drive housing of claims 1,4 & 16, and Kaiser teaches that the basic carrying body exhibits a first accommodation means (Fig 2, #46) for a drive motor (Fig. 1, #16), a second accommodation means (Fig. 2, #114) for a drive system (Fig. 1, #18), and a third accommodation means (Fig. 2, #70) for a control device (Fig. 1, #24), whereby the accommodation means exhibit elevated securing flanges (best seen in Figure 1), onto which the individual drive components can be placed (again,

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this phrase is not a positive recitation of the drive components in connection to the securing flanges) in an exact fit.

With respect to claim 12, Kaiser teaches the door drive housing of claim 1, and Kaiser teaches that the carrying body has on its outside a positive-fit connection means (Fig. 1, #112) for connecting to a slide element rail (fig. 1, #28) mounted on which in an axially movable manner is a door drive slide element (which isn't explicitly disclosed in the text, but inherently exists in all door opening drives) which can be driven by a drive chain that is engaged by a chain pinion (Fig. 1, #20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 4653565, US 5010688, US 6301103 (all of the above are garage door openers) & GB 2069767 A (a modular housing).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is (571)272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



05/06/2005



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